

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RICHARD PORRAS,

Plaintiff,

vs.

Civ. No. 19-367 MV/KK

CORECIVIC, INC., and OFFICERS FLORES,  
FREEMAN, GARDEA, LOPEZ, and  
TROGLIN, SERGEANTS LEWIS and  
VIRAMONTES, LIEUTENANT  
HONEYCUTT, CAPTAIN P. MILLER, CHIEF  
R. GONZALES, and NURSES GALLEGOS,  
PERRY, and TRUJILLO, in their individual  
capacities,

Defendants.

**ORDER DENYING IN PART  
PLAINTIFF'S OMNIBUS MOTION TO COMPEL**

THIS MATTER is before the Court on Plaintiff's Omnibus Motion to Compel Discovery Production from the Defendants (Doc. 125), filed May 31, 2023. The Court heard oral argument on the Motion on July 20, 2023. (Doc. 141.) The Court has considered the Motion, the oral arguments of counsel, the record, and the relevant law. For the reasons stated on the record, the Court FINDS that Charles Keeton is an expert required to produce a written expert report pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), and as such, Defendants' expert disclosure is inadequate. However, the Court need not compel an expert report at this juncture. Rather, Defendants, having been notified by the Court of their deficient disclosure, have a duty to supplement their disclosure pursuant to Rule 26(e) and must do so no later than August 3, 2023, unless they choose to withdraw Mr. Keeton as an expert witness. The Court denies Plaintiff's Motion insofar as he seeks (1) a second deposition of Mr. Keeton *at Defendants' expense* and (2) reimbursement of his costs expended in deposing Mr. Keeton before discovery closed in this

matter. The Court also denies without prejudice Plaintiff's Motion to exclude Mr. Keeton's testimony on the basis of an insufficient expert disclosure. Plaintiff may raise the issue before the presiding judge if appropriate. Plaintiff's Motion is further denied as moot with respect to Requests for Production Nos. 40 and 43.

Finally, the Court reserves ruling on Plaintiff's Motion as it relates to his request for an order compelling Defendants to produce a Rule 30(b)(6) witness on Topic 1 of their Rule 30(b)(6) Notice. (Doc. 25-3 at 2.) The following deadlines are set as to this dispute:

- Plaintiff will provide to Defendants, within 14 days, information related to the scope of questions Plaintiff seeks to ask at a Rule 30(b)(6) deposition on Topic 1.
- Thereafter, the parties will have an additional 14 days to confer regarding any disputes related to the scope of the proposed Rule 30(b)(6) deposition.
- Within four weeks, if the parties are unable to resolve disputes related to the scope of a Rule 30(b)(6) deposition, they will notify the Court, by joint e-mail, of their need for a discovery conference.
- Within six weeks, Defendants will supplement their response to Plaintiff's motion to compel to set out the steps Defendants will need to take in order to identify, prepare, and produce a witness or witnesses in response to Topic 1 of the Rule 30(b)(6) Notice. Counsel will attach the revised Rule 30(b)(6) Notice to that supplement.

IT IS SO ORDERED.



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KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE